

**Ravalli County Planning Board**  
**Meeting Minutes for January 18, 2006**  
**3:00 p.m.**  
**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Hearing**  
Corvallis Tract, Block 1, Portion of Lot 30 (Phillips) Variance Request

*This is a summary of the meeting, not a verbatim transcript. An audiotape of the meeting may be purchased from the Planning Department for \$10.00.*

**1. Call to order**

**Chip Pigman** called the meeting to order at 3:05 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

David Dennis (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
Frankie Laible (present)  
Roger Linhart (present)  
Howard Lyons (not present - excused)  
Chip Pigman (present)  
Tom Ruffatto (not present - excused)  
Les Rutledge (present)  
Lori Schallenberger (present)  
Garry Shook (present)

(B) Staff:

Renee Van Hoven  
John Lavey

**3. Approval of Minutes**

**Chip** asked if there were any corrections or additions to the minutes from January 4, 2006. There were none. The minutes were approved.

**4. Amendments to the Agenda**

There were none.

**5. Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Hearing**

(A) **Corvallis Tract Block 1, Portion of Lot 30, Phillips Variance Request**

(i) Staff Report on the Variance Request: **Renee Van Hoven** gave a Power Point presentation. The presentation highlighted a variance request for a future subdivision. The original Variance requested by Mr. Phillips fell under old road standards; therefore a new request was needed from the new regulations. Staff recommended denial of the variance request. Ms. Van Hoven concluded her presentation and asked that it be entered into the record. (See Attachment B, Corvallis Tract, Block 1, Portion of Lot 30 (Phillips) Variance Request Staff Report).

(ii) Three Minute Rule Waiver Requests

There were none.

(iii) Public Comment on the Subdivision Proposal and Variance Request

(a) Persons in Favor

**Pat Baker**, a representative of Mr. Phillips, spoke in support of the variance. All roads leading into this area are private and gravel, but do not currently meet the county standards. Beginning at Wise's Way there is a 30 foot wide easement. The property has one residential home and cannot be divided more than the two lots Mr. Phillips is proposing. Mr. Phillips has contacted all neighbors and has no opposition. The Corvallis Fire Chief said the road is an asset to fire suppression. She has spoken to David Onstadt who expressed no issue with the road, but also is aware that Staff has contradictory evidence.

**Glen O. Wise** spoke in support of the variance. He submitted a letter (see attachment C) dated January 18, 2006 to express his conditional support. He spoke to Mr. Phillips regarding this proposed variance and Mr. Wise suggested that when roads are paved, Mr. Phillips pay 1/15 share of road maintenance per lot. There are currently 13 people on the road maintenance agreement. He does not wish to put Mr. Phillips on the road maintenance agreement. Mr. Phillips agreed to pay 1/15 share of road maintenance per lot. This road will eventually be paved, but until all of the homes are built, Mr. Wise does not feel that it should be paved.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none

(d) Close: Public Comment

(iv) Board Deliberation on the Variance Request (Road Standards for All View Lane)

(a) Board Discussion and Questions

**Frankie Liable** asked for clarification on how the developer would be required to pay for future improvements on All View Lane.

**Lori Schallenberger** stated that Mr. Phillips would need to be a part of the road maintenance agreement.

**Glen Wise** reiterated that they are not requesting that Mr. Phillips be made a part of the road maintenance agreement because the other neighbors feel that there may be a liability to them for Mr. Phillips' road from All View north to Mr. Phillips' property. All they request is that when All View Lane is paved, a 1/15 share of the maintenance be placed upon each of Mr. Phillips' lots.

**Dan Huls** suggested that whatever action, dust abatement should be used on the two-track portion of All View Lane. With as little traffic as that road receives, the dust abatement will last a significant amount of time.

**Gary Shook** asked for Staff's opinion of the 30-foot wide easement from Wise's Way to Mr. Phillips' property and if it is sufficient to serve the property.

**Renee Van Hoven** said that it does not meet County Standards and if any of the properties to the north were ever developed, it might make sense to continue All View Lane to access those properties. Without the 60-foot wide easement, it would not be possible to improve the road to meet County Standards in the future.

**Mr. Wise** said it's not feasible to get a 60-foot easement because septic systems lie underneath.

**Ben Hillicoss** asked why the board is dealing with this variance now.

**Renee Van Hoven** replied that it is because the applicant cannot pay for the entire subdivision process if he is required to bring the road up to County Standards.

**Ben Hillicoss** asked for clarification regarding the plan to pave All View Lane and connecting roads.

**Lori Schallenberger** replied that Mr. Wise's proposal is for every person to pay their fair share of road maintenance.

**Renee Van Hoven** pointed out that the improvements to All View Lane may not happen before final plat approval, so there would be no way for the County to ensure that it happened. One idea is that the road maintenance agreement could be written so that it only pertains to the portion of the road from Bass Lane to Wise's way. This way, the road maintenance agreement wouldn't cover the upper portion. This could avoid the legal liability the neighbors are concerned about. The road maintenance agreement can be written to specifically state which portion of the road falls under the agreement.

**Chip Pigman** said that a recorded agreement could be made between the All View Lane Home Owners Association and Mr. Phillips to ensure that Mr. Phillips will participate in paying his 1/15 per lot when that time arises. This way there is a public record of the agreement.

(b) Board action

(1) Review of the Variance Request against the Five Criteria

The Board did not review the Five Criteria beyond their discussion and the findings of fact or conclusions of law in the Staff Report.

(2) Board Decision on the Variance Request

**Dan Huls made a motion** to approve the variance with the condition that each of the two proposed lots pay 1/15 of the cost to improve All View Lane from Bass Lane to Wise's Way at the time of paving All View Lane. All View Lane shall be constructed with a 20-foot wide gravel travel surface and a 30-foot wide easement from Wise's Way to the subject property and dust abatement shall be applied to this portion prior to final plat approval.

**Lori** seconded the motion, and clarified that the applicants should pay the 2/15 when they pave All View Lane and Wise's Way.

**Garry Shook** stated that the 1/15 share of the road maintenance is an encumbrance upon each lot and stays with the land.

**Renee Van Hoven** noted that if a written agreement is not included, then there is no way that Staff can ensure the subdivision lots will contribute to the improvements to All View Lane.

**Dan Huls** amended the motion to require an agreement, signed and on file, agreeing to the 1/15 for each lot to pay their share.

The vote was called; the members voted (7-2) to approve the Variance Request. ()

8. **Close Public Hearing**

9. **Plat Evaluation**

10. **Communications from Staff**

There was none.

11. **Communications from Public**

There was none.

**12. Communications from Board**

It was announced that the Commisioners are meeting on Monday, January 23, with the Road and Bridge Department. The Board discussed pro rata. Consensus of board that information gathered in the pro rata committee will be forwarded to James.

**13. New Business**

**14. Old Business**

**15. Next Regularly Scheduled Meeting: February 1, 2006 at 7:00 P.M.**

Daly Estates Major Subdivision (Mol PPL) Variance request – public hearing.

**16. Adjournment**